



FTC #213: Application for referred project under the COVID-19 Recovery (Fast-track Consenting) Act 2020 – Stage 1 decisions

Application 2023- 152 Waiuku Wind Farm Project

Date submitted:	5 April 2023	Tracking #: BRF-3038	
Security level:	In-Confidence	MfE priority:	Urgent

	Action sought:	Response by:
To Hon David Parker, Minister for the Environment	Decision on recommendations in Table A	to be advised

Actions for Minister's Office staff	<ol style="list-style-type: none"> Return the signed briefing to MfE. Send attached letters (if signed) with accompanying template and links to application documents.
Number of attachments: 2	<p>Attachments:</p> <ol style="list-style-type: none"> Application documents for Waiuku Wind Farm Project (Databox link) Letter to Ministers – inviting comments on Waiuku Wind Farm Project referral

Ministry for the Environment contacts

Position	Name	Cell phone	1 st contact
Principal Author	Melissa McGrath		
Acting Manager	Rebecca Perrett	s 9(2)(a)	✓
Acting Director	Lorena Stephen	s 9(2)(a)	

FTC#213: Application for referred project under the COVID-19 Recovery (Fast-track Consenting) Act 2020 – Stage 1 decisions

Key messages

1. This briefing seeks your initial decisions on an application from LET Capital Number 3 Limited Partnership to refer the Waiuku Wind Farm Project (project) to an expert consenting panel (panel) under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the FTCA).
2. The project is to construct and operate a wind farm on an approximately 560-hectare site, comprising multiple properties at 66 Huarau Way, 44 and 76 Robertson Road, 136, 191 and 260 Thomson Road, and 612 Forestry Road, Otaua, Waikato, and to connect to and supply electricity to the national grid. The wind farm will have an approximate installed capacity of 80 peak Megawatts and will comprise up to 18 wind turbines with blade tip heights up to 190 metres high. The project includes the construction of infrastructure and supporting structures including internal roads, turbine platforms, foundation and crane pads, underground electrical and fibre optic cables, two wind monitoring masts up to 100 metres high, a central collector station building and ancillary buildings.
3. The project includes two options to connect to and supply electricity to the national grid, with the transmission lines extending north into the Auckland Region:
 - a. Option A involves the construction of a new 33kV transmission line extending from the proposed wind farm to an existing 33kV Counties Energy Limited (Counties Energy) transmission line south of Otaua. Upgrades would also be required to the existing 33kV transmission line along the route to the Waiuku substation and then on to the Glenbrook substation.
 - b. Option B involves the construction of a new 33kV transmission line, with two route options, extending from the proposed wind farm to the Waiuku substation and either a new 33kV transmission line, or upgrading to the existing 33kV Counties Energy transmission line, between Waiuku and Glenbrook substations.
4. Both connection options involve works on private land and within road reserve and the applicant considers the works can be undertaken via existing easements and statutory powers and without additional landowner approval.
5. The project will require land use consents under the operative Waikato District Plan (OWDP) and the proposed Waikato District Plan (PWDP)¹, water and discharge permits under the Waikato Regional Plan, and resource consents under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS) and the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F). The applicant has not identified any resource consent requirements under the Auckland Unitary Plan (AUP).
6. The proposed wind farm is located in the Rural zone and the Awhitu Rural Management Area, Waikato River Catchment and Significant Natural Area overlays, under the OWDP, and the General Rural zone and Coastal, Site and Areas of Significance to Māori, Notable Trees and Waikato River Catchment overlays under the PWDP. The project will have overall discretionary activity status. The Rural zone under the OWDP seeks to maintain and enhance opportunities for rural activities whilst the General Rural zone under the PWDP provides predominantly for primary production activities, including intensive indoor primary production. Both the OWDP and PWDP district wide policy supports an increase in

¹ Hearings on the PWDP were completed in July 2021, however the zoning and overlays for the project site are still subject to appeals.

renewable electricity generation.

7. The two transmission route options to connect to and supply electricity to the national grid cover various land parcels located in the Rural zone under the OWDP, General Rural zone under the PWDP, and Rural Production, Large Lot Residential, Light Industry, Heavy Industry, and Mixed Rural zones under the AUP.
8. We have undertaken an initial (Stage 1) analysis of the referral application and this is presented along with our recommendations in Table A.
9. The project meets all the eligibility criteria in section 18(3) of the FTCA, and we consider it may help to achieve the FTCA's purpose. More analysis is needed before we can advise you on matters in section 23(5) which may influence your referral decision. Key issues that may affect the project delivery timeframe include the need to obtain further approval/agreements from other parties, including Transpower New Zealand Limited (Transpower), Counties Energy, Waikato District Council (WDC) and Auckland Council, to establish the connection to the national grid, and further investigations required on connection options.
10. Although there is a risk that processing of a referral order may not be completed in the remaining available time, we recommend you progress consideration of the application to the next stage of analysis (Stage 2) and invite comments from WDC, Waikato Regional Council (WRC), Auckland Council and specific Ministers listed in section 21(6) of the FTCA.
11. We recommend you invite comments from the following additional Ministers under section 21(6)(n) of the FTCA:
 - a. Minister for Energy and Resources
 - b. Minister of Agriculture, as the project site includes land that is likely to meet the definition of 'highly productive land' under the National Policy Statement for Highly Productive Land 2022.
12. We also recommend that you invite comments from Counties Energy, Transpower and Auckland Transport as additional parties under section 21(3) of the FTCA.
13. We recommend that you request further information from the applicant, WDC, WRC and Auckland Council as detailed in Table A.

Statutory framework summary

14. You are the sole decision maker for the referral application as the project will not occur in the coastal marine area.
15. You may decline the referral application before seeking comments from the relevant local authorities and any relevant Ministers:
 - a. if you are satisfied the project does not meet the referral criteria in section 18 of the FTCA, (which include helping to achieve the purpose of the FTCA) (see sections 18(2) and 23(1) of the FTCA)
 - b. for any other reason (see section 23(2) of the FTCA).
16. If you do not decline the referral application at this stage:
 - a. you must provide the application to, and invite comments from, the relevant local authorities and the relevant Ministers prescribed by section 21(6) of the FTCA
 - b. you may provide the application to and invite comments from any other person.
17. You are also able to request further information from the applicant or any relevant local authority at any time before you decide to decline or accept the referral application (see section 22 of the FTCA).

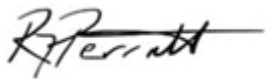
Timeframe for referral

18. The FTCA will be repealed on 8 July 2023, meaning that a referral order must be in force for the project by this date if the project's approvals are to be considered by a panel under FTCA process.
19. The timeframe for processing the referral application is dependent on certain statutory obligations and the capacity and resourcing of officials. The ability for a referral order for the project to be successfully completed, even if you make a decision to refer the project, is becoming increasingly time-pressured as the 8 July deadline approaches.

Action sought

20. Please indicate your decisions on the recommendations in Table A.

Signature



Rebecca Perrett
Acting Manager – Fast-track Consenting

Table A: Stage 1 initial assessment of project eligibility – projects where the Minister for the Environment is the only decision maker

Project to progress

Project details	Project description	Project funding	Is project eligible for referral? [sections 18(3) and 18(2)]	Will project help to achieve the purpose of the FTCA? [section 19]						Recommendations	Minister's decisions
				Economic benefits and costs for people or industries affected by COVID-19 [section 19(a)]	Effect on social and cultural wellbeing of current and future generations [section 19(b)]	Likelihood project will progress faster under the FTCA than would otherwise be the case [section 19(c)]	Public benefit [section 19(d)]	Potential for significant adverse environmental effects, including greenhouse gas emissions [section 19(e)]	Any other relevant matters [section 19(f)]		
<p>Name Waiuku Wind Farm Project</p> <p>Applicant LET Capital Number 3 Limited Partnership [c/- Jennifer Valentine, 4sight Consulting Limited]</p> <p>Location <u>Wind farm:</u> 66 Huarau Way, Otatau, 44 and 76 Robertson Road, Otatau, 136, 191 and 260 Thomson Road, Otatau and 612 Forestry Road, Otatau (Allotment 144 and Allotment 199 Parish of Waiuku West, Lot 1 DP 497779, Lot 1 Deposited Plan 497891, Lot 1-2 Deposited Plan 507466, Lot 2 DP 456384, Allotment 197 Parish of Waiuku West, Lot 1 Deposited Plan 526041,</p>	<p>The project is to construct and operate a wind farm on an approximately 560-hectare site in Otatau, Waikato, and to connect to and supply electricity to the national grid. The wind farm will have an approximate installed capacity of 80 peak Megawatts and will comprise up to 18 wind turbines with blade tip heights up to 190 metres high. The project includes the construction of infrastructure and supporting structures including internal roads, turbine platforms, foundation and crane pads, underground electrical and fibre optic cables, two wind monitoring masts up to 100 metres high, a central collector station building and ancillary buildings.</p> <p>The project includes two options to connect to and supply electricity to the national grid, with the</p>	<p>The applicant has stated they have a track record of delivering similar projects and funding to complete the project.</p> <p>The applicant has supplied evidence to support their statement and at this stage we have no concerns about their ability to fund this project.</p>	<p>Based on available information at this stage, we consider the project is eligible for referral because:</p> <ul style="list-style-type: none"> it does not include any prohibited activities it does not include land returned under a Treaty settlement it does not occur in a customary marine title area or protected customary rights area under the Marine and Coastal Area (Takutai Moana) Act 2011. <p>The FTCA's purpose is to urgently promote employment to support New Zealand's recovery from the economic and social impacts of COVID-19 and to support the certainty of ongoing investment across New</p>	<p>The applicant estimates the project will:</p> <ul style="list-style-type: none"> provide approximately 330 direct full-time equivalent (FTE) jobs over a two-year construction period s 9(2)(f)(ii), s 9(2)(g)(i) <p>We recommend seeking information from the applicant to confirm the number of on-going FTE jobs to align with our analysis of other referral applications.</p>	<p>The applicant considers the project will:</p> <ul style="list-style-type: none"> generate employment and broader economic benefits contribute to increased electricity supply and security which will assist communities. <p>With respect to cultural wellbeing, the applicant details it has undertaken consultation with, Ngāti Te Ata Waiohau, Ngāti Tamaoho, Waikato-Tainui and Te Ākitai Waiohau, Ngāti Tahinga and Ngāti Kārewa. Ngāti Te Ata Waiohau have agreed to provide a Cultural Impact Assessment.</p>	<p>The applicant estimates the FTCA process will allow the project to progress 4 months faster than under standard RMA processes due to the complexity and scale of the project, the likelihood of notification and a hearing, and potential for appeals under standard process.</p> <p>Should you agree to progressing this application, we will seek feedback on your behalf from Waikato District Council, Waikato Regional Council and Auckland Council on the appropriateness of using the FTCA process.</p>	<p>Based on the applicant's information we consider the project may result in the following public benefits:</p> <ul style="list-style-type: none"> generating employment by providing approximately 330 direct FTE jobs over a two year construction period providing infrastructure that will contribute to improving economic and employment outcomes assisting New Zealand's efforts to mitigate climate change and transition more quickly to a low emissions economy by increasing New Zealand's total amount of renewable energy generation. 	<p>The project has the potential for adverse environmental effects including:</p> <ul style="list-style-type: none"> landscape and visual effects traffic generation and effects on access ecological and biological effects temporary construction effects noise and vibration glint and glare effects contaminated land effects loss of productive land <p>The applicant has confirmed that specialists have prepared technical assessments on the above matters. The applicant considers the project will not result in significant adverse environmental effects.</p> <p>We note that you do not require a full Assessment of Environment Effects and supporting evidence to make a referral decision, and that a panel will consider the significance of effects and appropriate mitigation should the project be referred.</p>	<p>The project involves works within, and within a 10-metre setback from, natural wetlands. The applicant has provided an assessment which states the project meets the definition of specified infrastructure and regionally significant infrastructure under the NES-F and National Policy Statement for Freshwater Management 2020 (NPS-FM). We are satisfied at this stage that the project will not include prohibited activities.</p> <p>The project includes two alternative options for the wind farm connection to the national grid, including works and infrastructure within the road reserve. We recommend that you seek comment from Counties Energy Limited, Transpower New Zealand Limited, Auckland Council, Auckland Transport and Waikato District Council on whether any approvals are required from them to allow works on or within, or connection to, their assets, and whether they anticipate that this may have an impact</p>	<p>a. Note that section 23(3) of the FTCA permits you to decline the referral application without inviting comments from the relevant local authorities and any relevant Ministers.</p> <p>b. Note that you have not yet provided the application to, nor sought any comments on it from, relevant local authorities or relevant Ministers but that you are required to do so if you do not decline the application under section 23(3) of the FTCA.</p> <p>c. Note that section 21(3) of the FTCA permits you to forward an application to, and invite written comments from, any other person.</p> <p>d. Note that section 22 of the FTCA permits you to request further information from the applicant or relevant local authorities at any time before you decide whether to accept or decline an application.</p> <p>e. Agree to progress the Waiuku Wind Farm Project to our Stage 2 analysis. The project warrants further analysis because it has potential to achieve the purpose of the FTCA but we need to consider some matters further before providing you with our final advice on the referral application.</p> <p>f. Agree to provide the application to, and invite comments from:</p> <ul style="list-style-type: none"> the Ministers listed in section 21(6)(a)–(m) of the FTCA the Minister of Energy and Resources and Minister of Agriculture as additional relevant Ministers under section 21(6)(n) of the FTCA the relevant local authorities – Waikato District Council, Waikato Regional Council and Auckland Council the following additional 	<p>Yes/No</p> <p>Yes/No</p>

Project details	Project description	Project funding	Is project eligible for referral? [sections 18(3) and 18(2)]	Will project help to achieve the purpose of the FTCA? [section 19]						Recommendations	Minister's decisions
				Economic benefits and costs for people or industries affected by COVID-19 [section 19(a)]	Effect on social and cultural wellbeing of current and future generations [section 19(b)]	Likelihood project will progress faster under the FTCA than would otherwise be the case [section 19(c)]	Public benefit [section 19(d)]	Potential for significant adverse environmental effects, including greenhouse gas emissions [section 19(e)]	Any other relevant matters [section 19(f)]		
<p>Lot 1 DP 448864, Part Allotment 355 Parish of Waiuku</p> <p>West, Lot 96B PSH of Waiuku West, Lot 3 Deposited Plan 407996, Part Lot 2 DP 22917, Lot 1 DP 116009</p> <p>and Lot 3 DP 120338, Lot 2 DP 427487)</p> <p><u>Transmission route:</u></p> <p>Options A and B involve works on private land and road reserve as detailed in the application.</p>	<p>transmission lines extending north into the Auckland Region:</p> <p>a. Option A involves the construction of a new 33kV transmission line extending from the proposed wind farm to an existing 33kV Counties Energy Limited (Counties Energy) transmission line south of Otatau. Upgrades would also be required to the existing 33kV transmission line along the route to the Waiuku substation and then on to the Glenbrook substation.</p> <p>b. Option B involves the construction of a new 33kV transmission line, with two route options, extending from the proposed wind farm to the Waiuku substation and either a new 33kV transmission line, or</p>		<p>Zealand, while continuing to promote the sustainable management of natural and physical resources.</p> <p>The economic and social impacts of the COVID-19 global pandemic are on-going, evolving and will be long lasting.</p> <p>Enabling progression of shovel-ready projects that promote employment and investment that can deliver economic and other social and public benefits is one way that the government can continue to support the recovery and response to these effects.</p> <p>The specific ways in which the project meets the FTCA's purpose are noted in the six columns to the right.</p>						<p>on project delivery or timing.</p>	<p>entities/persons under section 21(3) of the FTCA: Counties Energy Limited, Transpower New Zealand Limited and Auckland Transport.</p> <p>g. Agree to seek further information from the applicant to confirm the number of on-going FTE jobs.</p> <p>h. Agree to seek further information from Waikato District Council on the appropriateness of using the FTCA process and the applicant's proposal to undertake works within road reserve, including any necessary approvals required and timing of those.</p> <p>i. Agree to seek further information from Auckland Council on the appropriateness of using the FTCA process and the applicant's proposal to undertake works within road reserve, including any necessary approvals required and timing of those.</p> <p>j. Agree to seek further information from Waikato Regional Council on the appropriateness of using the FTCA process.</p> <p>k. Sign the attached letters to Ministers.</p> <p>l. Note that while awaiting comments from invited parties, the Ministry for the Environment will, in consultation with the Office of Māori Crown Relations – Te Arawhiti, prepare a report for the purpose of section 17 of the FTCA.</p>	<p>Yes/No</p> <p>Yes/No</p> <p>Yes/No</p> <p>Yes/No</p>

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	<p>upgrading to the existing 33kV Counties Energy transmission line, between Waiuku and Glenbrook substations.</p> <p>Both connection options involve works on private land and within road reserve and the applicant considers the works can be undertaken via existing easements and statutory powers and without additional landowner approval.</p> <p>The project involves activities such as construction of wind turbines and buildings, carrying out earthworks, taking stormwater and groundwater, discharge of stormwater, diversion and/or damming of water removing vegetation (including within a natural wetland) constructing or installing infrastructure or structures including roads.</p> <p>The project will require land use consents under the operative</p>										

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	Waikato District Plan (OWDP) and the proposed Waikato District Plan (PWDP), water and discharge permits under the Waikato Regional Plan, and resource consents under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS) and the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F). The applicant has not identified any resource consent requirements under the Auckland Unitary Plan (AUP).										

Signed:

Hon David Parker
Minister for the Environment

Date: